

EXHIBIT B

1751 Supplement to 1722 Law
[Nevill printing]

T H E
A C T S
Of the GENERAL ASSEMBLY
Of the PROVINCE of
NEW-JERSEY,

From the Time of the Surrender of the Government in the Second Year of the Reign of Queen ANNE, to this present Time, being the Twenty Fifth Year of the Reign of King GEORGE the Second.

Collected and published by Order of the GENERAL ASSEMBLY of the said Province.

With Proper Tables; and an Alphabetical Index containing all the Principal Matters in the Body of the Book.

By **SAMUEL NEVILL Esq.;**
Second Justice of the Supreme Court of Judicature of the said Province.

Printed by **WILLIAM BRADFORD**, Printer to the Kings Most Excellent Majesty for the Province of *New-Jersey*,
MDCCLII.



I hereby certify that the foregoing is a true copy of the original record on file in the New Jersey State Archives, Department of State.

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Executive Director
N. J. State Archives

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shall be recovered, as other Debts under *Five-Pounds*, by a Law of this Province; and where the same exceed *Five Pounds*, they may be sued for and may be recovered in any Court of Record in this Province where the same is Cognizable, by Bill, Plaint or Information, wherein no Effoin, Protection or Wager of Law, nor more than one Imparlance shall be allowed; all which said Fines and Penalties shall be recovered by any Person who will sue for the same, one half to his own Use, the other Half to the Use of the Poor.

Nothing herein to prevent Flour going as usual to New-York or Pennsylvania.

8. PROVIDED ALWAYS, That nothing in this Act shall be construed to prevent the Transporting any unbranded Flour to the Provinces of *New-York* or *Pennsylvania*, or to subject the same to be inspected; any Thing in this Act to contrary notwithstanding.

Limitation of the Act.

9. PROVIDED ALWAYS, That this Act, nor nothing therein contained, shall be in Force till the first of *March* next, and to continue in Force from thence for two Years thereafter, and to the End of the then next Session of General Assembly.

CHAP. CXIV.

A Supplementary Act to the Act entitled, An Act to prevent the killing of Deer out of Season, and against carrying of Guns, and hunting by Persons not quallified. See chap. 35.

Preamble.

See Chap. 35.

SECT. 1. **W**HEREAS there was an Act of General Assembly of this Colony, passed in the eighth Year of the Reign of King GEORGE the first, entitled, *An Act to prevent the killing of Deer out of Season, and against carrying of Guns, and hunting by Persons not qualified*, which said Act hath not fully prevented many Mischiefs and Inconveniencies that have often happened by Persons setting of Steel Traps to

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to catch Deer, whereby not only other Mens Cattle have been hurt, but People have been in Danger thereof. To prevent the like for the Future,

2. **B E I T E N A C T E D** by the Governor, Council and General Assembly, and it is hereby **E N A C T E D** by the Authority of the same, That if any Person or Persons, after the Publication of this Act, shall set a Steel Trap or Traps in any Brook, Pond, Water or in any other Place whatsoever, unless he or they can make it appear, by sufficient Proof in Circumstance, that the same were set for Wolves, Panthers or other Beasts of Prey, such Person or Persons shall forfeit such Trap or Traps: And it shall and may be lawful for any Person or Persons to search for such Trap or Traps on any uninclosed Lands, and when found, to take and seize the same, and in three Days Time to carry the same to one of the nearest Justices of the Peace of that County where such Trap or Traps were found, which said Justice shall keep, or order the same to be safely kept, for the space of Twenty Days; and at the Expiration of that Time, if no Owner or Claimer appears, the said Justice is hereby empowered and required, by his Warrant under his Hand and Seal, to order any Constable of said County to sell said Trap or Traps at publick Vendue; and out of the Money arising by such Sale, the said Justices and Constables Fees shall be first paid, the Remainder of the said Money the said Constable shall divide into two equal Parts, and one half thereof he shall pay to the Overseers of the Poor of such Township or Precinct where the said Trap or Traps were found, by them to be applied to the Use of the Poor of the said Township or Precinct, and the other Half thereof to the Person or Persons that seized the same, and carried them to the said Justices as aforesaid;

Forfeiture upon setting Steel Trap for Deers

3. **A N D B E I T F U R T H E R E N A C T E D** by the Authority aforesaid, That if any Claimer of said Trap or Traps, appears before the said Justice within the Time aforesaid, then the said Justice shall set a convenient Time to hear the said Claimer or Claimers, and send the said Person or Persons that seized the same, word thereof in writing forthwith; and if upon hearing, the said Claimer or Claimers shall not fully prove, either by a sufficient Witness or Witnesses, or good Circumstance to the Satisfaction of the said Justice that the said Trap or Traps, were set for Wolves, Bears, Panthers, or other Beasts of prey, and

The Justices Duty upon a Claimer appearing.

baited with dead Carcales Flesh, live Sheep or Swine, to entice such Beasts to said Trap or Traps, then the said Justice shall give Judgment against such Claimer or Claimers, and order said Trap or Traps to be sold as aforesaid; and the Money arising by such sale, to be applied as aforesaid: But if the said Claimer or Claimers, shall make it appear, by Witnesses or good Circumstance as aforesaid, to the Satisfaction of the said Justice, that said Trap or Traps, at the Time of such seizure, were set for Beasts of Prey as aforesaid, and baited as aforesaid, then the said Justice shall give Judgment for the Claimer or Claimers, and order said Trap or Traps to be delivered to him or them again.

Any Trap set
for Deer to
be forfeited.

4. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall lend his or their Trap or Traps to any Indian, or other Person or Persons whatsoever, and the same shall be found set for Deer as aforesaid, the said Trap or Traps shall and may be seized, forfeited and disposed of in manner aforesaid, though the Property of such Trap or Traps shall appear in an Indian or Indians, or any other Person or Persons whatsoever, who were the Lender or Lenders thereof; any Law, Usage or Custom to the contrary in any wise notwithstanding.

Owner of the
Trap to have
his Name
stamp, on it
after the first
Day of Decem-
ber next or the
same to be for-
feited.

5. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, shall after the first Day of *December* next, have in his or their Custody any Steel Trap or Traps, that shall be sufficient for catching of Wolves or Deer, and the present Owners Name not stamp at large in fair Letters, on the striking Plates or jaws of such Trap or Traps, then it shall and may be lawful for such Trap or Traps, to be seized and disposed of in the manner aforesaid, though the same were not found to be set for Deer as aforesaid; any Law, Usage or Custom to the contrary in any wise notwithstanding.

Any Person sus-
pecting Traps
to be set for
Deer, to apply
to a Justice
who is to send
for the Party
suspected.

6. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, shall suspect that any other Person or Persons, hath set a steel Trap or Traps for catching of Deer, though such Trap or Traps shall not be found and seized as aforesaid, then it shall and may be lawful for such Person or Persons so suspecting, to make his or their complaint, to any Justice

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Justice of the Peace of such County where such suspected Person or Persons dwells, who is hereby required and empowered, if such suspected Persons are not Householders, to Issue his Warrant to any Constable of said County, commanding him to bring such suspected Person before him the said Justice; and if such suspected Person or Persons are Householders then the said Justice is hereby required to grant a Summons directed to the said Constable, ordering him to Summons such suspected Person or Persons to appear before him, within Six Days after the Service of such Summons; And if the said Complainer or Complainers, shall make it sufficiently appear to the said Justice upon Trial, by the Oath of one or more Witnesses, that such suspected Person or Persons hath set such a Steel Trap or Traps, where Deer are likely to come; Then the Proof shall lie upon such suspected Person or Persons, that said Trap or Traps were set for Beasts of prey as aforesaid, and baited as aforesaid, otherwise the said Justice shall give Judgment against such suspected Person or Persons, that he or they shall forfeit and pay the Sum of *Forty Shillings*, with full Costs of Suit, for every such Offence: But if the said suspected Person or Persons shall make it appear, that said Trap or Traps were set for Beasts of prey as aforesaid, then the said Justice shall give Judgment against the said Complainer or Complainers, and that he or they do pay the Defendant or Defendants their Costs of Suit.

7. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons, shall presume to carry a Gun or Guns, or hunt or watch for Deer, or any other Game, or let in any Dog or Dogs to drive Deer, or any other Game, in any Person or Persons Land, without leave first had and obtained (if not of his own Family) in writing under the hand of the Owner or Owners thereof, or such Person or Persons who hath the Possession or Care of such Land, not exceeding one Day, before such Person or Persons so offending, shall upon complaint made thereof by any Person or Persons whatsoever, to any Justice of the Peace of the County where such Offence is committed; the said Justice is hereby required to issue out his Warrant against such Offender or Offenders, to bring him or them before him; and if he or they are convicted of such Offence or Offences before the said Justice, by the Oath or Affirmation of one or more Witnesses, then he is hereby required and com-

Any Person carrying Guns or hunting or watching for Deer, &c. or that lets in any Dog, to drive Deer &c. on Land not his own without the Owners leave in writing dated not above one Day before, or the leave of the Person in Possession, liable to be bound over and fined.

The fine

commanded, to bind such Offender or Offenders, in their own Recognizance, in the Sum of *Ten Pounds*, to his or their good Behaviour for three Months; and also give Judgment, that he or they shall pay the Sum of *five Pounds*, and the Costs of such Conviction, and binding him or them, to his or their good Behaviour: And if the said Person or Persons so convicted, shall delay or refuse to enter into the said Recognizance, and pay the Sum and Costs aforesaid, then the said Justice is hereby required and commanded to commit the said Offender or Offenders to the Gaol of said County, until he or they shall comply to enter into said Recognizance, and pay the Sum and Costs aforesaid, and also the Gaolers Fees; and the Sheriff of the said County, or his Gaoler, is hereby required and commanded to take such Offender or Offenders into his Custody, and him or them safely keep in close Gaol until such Offender or Offenders shall comply as aforesaid.

Persons setting
Traps not
within their
own enclosure
to forfeit 5l.

8. AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person sets a Trap or Traps on Lands not within his own Enclosure, he or they so offending, shall forfeit *Five Pounds*, to be recovered by the Owner of the Lands where the same is set; and if he neglects his Prosecution for the Space of one Month after Discovery, then any other Person may prosecute, and the Person setting such Trap or Traps, shall also forfeit double Damage to any Person who shall be injured thereby.

Time fixed
when Deer
shall not be
killed.

9 AND BE IT FURTHER ENACTED by the Authority aforesaid, That if any Person or Persons shall kill any wild Doe, Buck, or Fawn, at any other Time or Season, except only between the *first Day of July* and the *Tenth Day of December*, he or they so Offending, shall forfeit and pay the Sum of *Forty Shillings*, for Offending against this Act, in the Months of *December* and *January*, and the Sum of *Ten Shillings*, over and above the *Thirty Shillings* forfeit, mentioned in the aforesaid Act, entitled, *An Act to prevent the Killing of Deer out of Season*, &c. for every other of the said Months.

See Chap 35.

Penalty on Per-
sons setting
Guns or plant-
ing sharp sta-
kes to kill

10. AND BE IT ENACTED by the Authority aforesaid, That if any Person or Persons whatsoever, after the Publication of this Act, shall presume to set any Gun or Guns, or plant sharp stakes, in Order to kill Deer, or any other wild Beasts, on his own, or the Lands of

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of any other Person whatsoever, he or she so offending, shall forfeit for every such Offence, the Sum of *Five Pounds*, to be recovered by any Person or Persons whatsoever, who shall sue for the same, and applied in Manner aforesaid, besides double Damages to any Person who shall be injured thereby.

11. **AND BE IT ENACTED** by the Authority aforesaid, That all the Penalties and Forfeitures mentioned in this Act, not hereby especially directed and applied, shall be recovered and applied according to the Directions and Appointment of the before recited Act.

Penalties of this Act not applied to be recovered according to the Former Act.

12. **AND BE IT FURTHER ENACTED** by the Authority aforesaid, That if any Person or Persons whatsoever, whether the accused or accuser, Plaintiff or Defendant, shall in any of the Cases aforesaid, think themselves aggrieved by any of the Judgments given by the said Justices, then it shall and may be lawful for such Person or Persons, to appeal to the next Court of Quarter Sessions, held for such County, where such Judgment shall be given; which said Court is hereby empowered to hear and determine, all and every such Appeal or Appeals.

Parties aggrieved may appeal to the next Court of Quarter Sessions.

13. **AND** for the better and more effectual putting this and the before recited Act in Execution, **BE IT FURTHER ENACTED** by the Authority aforesaid, That the Constable of each and every respective Township, Precinct and District in this Colony, having any Knowledge of any of the Offences committed against this and the said recited Act, shall, and is hereby required to present every such Offence to some Justice of the Peace of such County where such Offences shall be committed, or to the Justices of the Court of Quarter Session for the same County, together with the Name or Names of all such Offenders, and the said Justice or Justices of the Sessions as aforesaid, are hereby required to hear and determine the same, and to convict the Offenders in the Penalties and Forfeitures mentioned in this and the before recited Act, so that such Conviction shall be within four Months next after such Offence is committed; any Thing in the said recited Act, to the contrary in any wise notwithstanding.

Constables required to present every Offence against this and a former Act.

Together with the Name or Names of all Offenders.

See Chap. 35,

Nothing herein
to alter the for-
mer Act except
what is hereby
altered or sup-
plied.

14. PROVIDED that nothing herein contained, shall be deemed or taken to disannul, alter or make void the said Act, but that every Clause, Article and Sentence contained therein, except what is hereby altered or supplied, shall remain in full Force and Virtue.

Continuance of
this Act.

15. PROVIDED ALWAYS, That this Act shall be and continue in Force for the Space of three Years from the Publication thereof, and thence to the End of the then next Session of General Assembly, and no longer.

The E N D.

